

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583
93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Offered February 28, 2006.

Senate Substitute No. 2 adopted, February 28, 2006.

Taken up for Perfection February 28, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3160S.16P

AN ACT

To repeal sections 33.080, 301.190, 301.800, 307.350, 307.353, 307.355, 307.360, 307.365, 307.366, 307.370, 307.375, 307.380, 307.385, 307.390, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof fifteen new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 33.080, 301.190, 301.800, 307.350, 307.353, 307.355,
2 307.360, 307.365, 307.366, 307.370, 307.375, 307.380, 307.385, 307.390, 643.305,
3 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, are
4 repealed and fifteen new sections enacted in lieu thereof, to be known as sections
5 33.080, 301.190, 301.800, 307.367, 307.375, 307.390, 643.303, 643.305, 643.310,
6 643.315, 643.320, 643.330, 643.335, 643.350, and 643.353, to read as follows:

33.080. 1. All fees, funds and moneys from whatsoever source received by
2 any department, board, bureau, commission, institution, official or agency of the
3 state government by virtue of any law or rule or regulation made in accordance
4 with any law, excluding all funds received and disbursed by the state on behalf
5 of counties and cities, towns and villages shall, by the official authorized to
6 receive same, and at stated intervals of not more than thirty days, be placed in

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 the state treasury to the credit of the particular purpose or fund for which
8 collected, and shall be subject to appropriation by the general assembly for the
9 particular purpose or fund for which collected during the biennium in which
10 collected and appropriated. The unexpended balance remaining in all such funds
11 (except such unexpended balance as may remain in any fund authorized, collected
12 and expended by virtue of the provisions of the constitution of this state) shall at
13 the end of the biennium and after all warrants on same have been discharged and
14 the appropriation thereof has lapsed, be transferred and placed to the credit of
15 the ordinary revenue fund of the state by the state treasurer. Any official or any
16 person who shall willfully fail to comply with any of the provisions of this section,
17 and any person who shall willfully violate any provision hereof, shall be deemed
18 guilty of a misdemeanor; provided, that all such money received by the curators
19 of the University of Missouri except those funds required by law or by instrument
20 granting the same to be paid into the seminary fund of the state, is excepted
21 herefrom, and in the case of other state educational institutions there is excepted
22 herefrom, gifts or trust funds from whatever source; appropriations; gifts or
23 grants from the federal government, private organizations and individuals; funds
24 for or from student activities; farm or housing activities; and other funds from
25 which the whole or some part thereof may be liable to be repaid to the person
26 contributing the same; and hospital fees. All of the above excepted funds shall
27 be reported in detail quarterly to the governor and biennially to the general
28 assembly.

29 2. Notwithstanding any provision of law to the contrary concerning the
30 funds listed in subdivisions (1) to (23) of this subsection, an amount equal to the
31 sum of all interest that has accrued in the funds listed in subdivisions (1) to (23)
32 of this subsection during the two-year period beginning July 1, 2001, and ending
33 June 30, 2003, shall be transferred and placed to the credit of the general
34 revenue fund of the state by the state treasurer upon the effective date of this
35 act. The funds subject to the provisions of this section are as follows:

36 (1) Residential mortgage licensing fund created pursuant to section
37 443.845, RSMo;

38 (2) Gaming commission bingo fund created pursuant to section 313.008,
39 RSMo;

40 (3) Missouri air emission reduction fund created pursuant to section
41 643.350, RSMo;

42 (4) Mental health housing trust fund created pursuant to section 215.054,

43 RSMo;

44 (5) Division of credit unions fund created pursuant to section 370.107,
45 RSMo;

46 (6) Division of savings and loan supervision fund created pursuant to
47 section 369.324, RSMo;

48 (7) Division of finance fund created pursuant to section 361.170, RSMo;

49 (8) Natural resources protection fund created pursuant to section 640.220,
50 RSMo, with the exception of the water permit fees subaccount and damages
51 subaccount;

52 (9) Endowed care cemetery audit fund created pursuant to section
53 193.265, RSMo;

54 (10) Metallic minerals waste management fund created pursuant to
55 section 444.370, RSMo;

56 (11) Natural resources protection air pollution asbestos fee subaccount
57 fund created pursuant to section 643.245, RSMo;

58 (12) Chemical emergency preparedness fund created pursuant to section
59 292.607, RSMo;

60 (13) Legal defense and defender fund created pursuant to section 600.090,
61 RSMo;

62 (14) Safe drinking water fund created pursuant to section 640.110, RSMo;

63 (15) Coal mine land reclamation fund created pursuant to section 444.960,
64 RSMo;

65 (16) Missouri horse racing commission fund created pursuant to section
66 313.530, RSMo;

67 (17) Hazardous waste remedial fund created pursuant to section 260.480,
68 RSMo;

69 (18) [Missouri air pollution control fund created pursuant to section
70 307.366, RSMo;

71 (19)] Property reuse fund created pursuant to section 447.710, RSMo;

72 [(20)] (19) State transportation assistance revolving fund created
73 pursuant to section 226.191, RSMo;

74 [(21)] (20) Correctional substance abuse earnings fund created pursuant
75 to section 559.635, RSMo;

76 [(22)] (21) Mined land reclamation fund created pursuant to section
77 444.730, RSMo;

78 [(23)] (22) Aviation trust fund created pursuant to section 155.090,

79 RSMo.

80 3. Notwithstanding any provision of law to the contrary concerning the
81 funds listed in subdivisions (1) to (5) of this subsection, the amount specified for
82 each fund listed in subdivisions (1) to (5) of this subsection shall be transferred
83 and placed to the credit of the general revenue fund of the state by the state
84 treasurer before October 1, 2003. The funds subject to the provisions of this
85 subsection and the amount of transfer are as follows:

86 (1) State fair fees fund created pursuant to section 262.260, RSMo, six
87 thousand dollars;

88 (2) Petroleum inspection fund created pursuant to section 414.082, RSMo,
89 seventy-seven thousand six hundred and seventeen dollars;

90 (3) Department of revenue information fund pursuant to section 32.067,
91 RSMo, two hundred and fifty thousand dollars;

92 (4) Secretary of state's technology trust fund account established pursuant
93 to section 28.160, RSMo, one hundred and two thousand dollars;

94 (5) Administrative trust fund established pursuant to subsection 11 of
95 section 37.005, RSMo, three million five hundred thousand dollars.

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application.

15 2. The director of revenue shall use reasonable diligence in ascertaining
16 whether the facts stated in such application are true and shall, to the extent
17 possible without substantially delaying processing of the application, review any
18 odometer information pertaining to such motor vehicle that is accessible to the
19 director of revenue. If satisfied that the applicant is the lawful owner of such

20 motor vehicle or trailer, or otherwise entitled to have the same registered in his
21 name, the director shall thereupon issue an appropriate certificate over his
22 signature and sealed with the seal of his office, procured and used for such
23 purpose. The certificate shall contain on its face a complete description, vehicle
24 identification number, and other evidence of identification of the motor vehicle
25 or trailer, as the director of revenue may deem necessary, together with the
26 odometer information required to be put on the face of the certificate pursuant to
27 section 407.536, RSMo, a statement of any liens or encumbrances which the
28 application may show to be thereon, and, if ownership of the vehicle has been
29 transferred, the name of the state issuing the transferor's title and whether the
30 transferor's odometer mileage statement executed pursuant to section 407.536,
31 RSMo, indicated that the true mileage is materially different from the number of
32 miles shown on the odometer, or is unknown.

33 3. The director of revenue shall appropriately designate on the current
34 and all subsequent issues of the certificate the words "Reconstructed Motor
35 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
36 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
37 1990, on all original and all subsequent issues of the certificate for motor vehicles
38 as referenced in subsections 2 and 3 of section 301.020, the director shall print
39 on the face thereof the following designation: "Annual odometer updates may be
40 available from the department of revenue.". On any duplicate certificate, the
41 director of revenue shall reprint on the face thereof the most recent of either:

42 (1) The mileage information included on the face of the immediately prior
43 certificate and the date of purchase or issuance of the immediately prior
44 certificate; or

45 (2) Any other mileage information provided to the director of revenue, and
46 the date the director obtained or recorded that information.

47 4. The certificate of ownership issued by the director of revenue shall be
48 manufactured in a manner to prohibit as nearly as possible the ability to alter,
49 counterfeit, duplicate, or forge such certificate without ready detection. In order
50 to carry out the requirements of this subsection, the director of revenue may
51 contract with a nonprofit scientific or educational institution specializing in the
52 analysis of secure documents to determine the most effective methods of
53 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

54 5. The fee for each original certificate so issued shall be eight dollars and
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.

56 If application for the certificate is not made within thirty days after the vehicle
57 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
58 the first thirty days of delinquency and twenty-five dollars for each thirty days
59 of delinquency thereafter, not to exceed a total of one hundred dollars before
60 November 1, 2003, and not to exceed a total of two hundred dollars on or after
61 November 1, 2003, shall be imposed, but such penalty may be waived by the
62 director for a good cause shown. If the director of revenue learns that any person
63 has failed to obtain a certificate within thirty days after acquiring a motor vehicle
64 or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the
65 registration of all vehicles registered in the name of the person, either as sole
66 owner or as a co-owner, and shall notify the person that the cancellation will
67 remain in force until the person pays the delinquency penalty fee provided in this
68 section, together with all fees, charges and payments which he should have paid
69 in connection with the certificate of ownership and registration of the
70 vehicle. The certificate shall be good for the life of the motor vehicle or trailer so
71 long as the same is owned or held by the original holder of the certificate and
72 shall not have to be renewed annually.

73 6. Any applicant for a certificate of ownership requesting the department
74 of revenue to process an application for a certificate of ownership in an
75 expeditious manner requiring special handling shall pay a fee of five dollars in
76 addition to the regular certificate of ownership fee.

77 7. It is unlawful for any person to operate in this state a motor vehicle or
78 trailer required to be registered under the provisions of the law unless a
79 certificate of ownership has been issued as herein provided.

80 8. Before an original Missouri certificate of ownership is issued, an
81 inspection of the vehicle and a verification of vehicle identification numbers shall
82 be made by the Missouri state highway patrol on vehicles for which there is a
83 current title issued by another state if a Missouri salvage certificate of title has
84 been issued for the same vehicle but no prior inspection and verification has been
85 made in this state, except that if such vehicle has been inspected in another state
86 by a law enforcement officer in a manner comparable to the inspection process in
87 this state and the vehicle identification numbers have been so verified, the
88 applicant shall not be liable for the twenty-five dollar inspection fee if such
89 applicant submits proof of inspection and vehicle identification number
90 verification to the director of revenue at the time of the application. The
91 applicant, who has such a title for a vehicle on which no prior inspection and

92 verification have been made, shall pay a fee of twenty-five dollars for such
93 verification and inspection, payable to the director of revenue at the time of the
94 request for the application, which shall be deposited in the state treasury to the
95 credit of the state highways and transportation department fund.

96 9. Each application for an original Missouri certificate of ownership for
97 a vehicle which is classified as a reconstructed motor vehicle, specially
98 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor
99 vehicle, or other vehicle as required by the director of revenue shall be
100 accompanied by a vehicle examination certificate issued by the Missouri state
101 highway patrol, or other law enforcement agency as authorized by the director of
102 revenue. The vehicle examination shall include a verification of vehicle
103 identification numbers and a determination of the classification of the
104 vehicle. The owner of a vehicle which requires a vehicle examination certificate
105 shall present the vehicle for examination and obtain a completed vehicle
106 examination certificate prior to submitting an application for a certificate of
107 ownership to the director of revenue. The fee for the vehicle examination
108 application shall be twenty-five dollars and shall be collected by the director of
109 revenue at the time of the request for the application and shall be deposited in
110 the state treasury to the credit of the state highways and transportation
111 department fund.

112 10. When an application is made for an original Missouri certificate of
113 ownership for a motor vehicle previously registered or titled in a state other than
114 Missouri or as required by section 301.020, it shall be accompanied by a current
115 inspection form certified by a duly authorized official inspection station as
116 described in chapter 307, RSMo. The completed form shall certify that the
117 manufacturer's identification number for the vehicle has been inspected, that it
118 is correctly displayed on the vehicle and shall certify the reading shown on the
119 odometer at the time of inspection. The inspection station shall collect the same
120 fee as authorized in section 307.365, RSMo, for making the inspection, and the
121 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
122 If the vehicle is also to be registered in Missouri, the safety [and emissions
123 inspections] **inspection** required in chapter 307, RSMo, **and the emissions**
124 **inspection required under chapter 643, RSMo**, shall be completed and only
125 the fees required by sections 307.365 and [307.366] **643.315**, RSMo, shall be
126 charged to the owner. This section shall not apply to vehicles being transferred
127 on a manufacturer's statement of origin.

128 11. Motor vehicles brought into this state in a wrecked or damaged
129 condition or after being towed as an abandoned vehicle pursuant to another
130 state's abandoned motor vehicle procedures shall, in lieu of the inspection
131 required by subsection 10 of this section, be inspected by the Missouri state
132 highway patrol in accordance with subsection 9 of this section. If the inspection
133 reveals the vehicle to be in a salvage or junk condition, the director shall so
134 indicate on any Missouri certificate of ownership issued for such vehicle. Any
135 salvage designation shall be carried forward on all subsequently issued
136 certificates of title for the motor vehicle.

137 12. When an application is made for an original Missouri certificate of
138 ownership for a motor vehicle previously registered or titled in a state other than
139 Missouri, and the certificate of ownership has been appropriately designated by
140 the issuing state as a reconstructed motor vehicle, motor change vehicle, or
141 specially constructed motor vehicle, the director of revenue shall appropriately
142 designate on the current Missouri and all subsequent issues of the certificate of
143 ownership the name of the issuing state and such prior designation.

144 13. When an application is made for an original Missouri certificate of
145 ownership for a motor vehicle previously registered or titled in a state other than
146 Missouri, and the certificate of ownership has been appropriately designated by
147 the issuing state as non-USA-std motor vehicle, the director of revenue shall
148 appropriately designate on the current Missouri and all subsequent issues of the
149 certificate of ownership the words "Non-USA-Std Motor Vehicle".

150 14. The director of revenue and the superintendent of the Missouri state
151 highway patrol shall make and enforce rules for the administration of the
152 inspections required by this section.

153 15. Each application for an original Missouri certificate of ownership for
154 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty
155 or more years prior to the current model year, and which has a value of three
156 thousand dollars or less shall be accompanied by:

157 (1) A proper affidavit submitted by the owner explaining how the motor
158 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate
159 of ownership cannot be furnished;

160 (2) Photocopies of receipts, bills of sale establishing ownership, or titles,
161 and the source of all major component parts used to rebuild the vehicle;

162 (3) A fee of one hundred fifty dollars in addition to the fees described in
163 subsection 5 of this section. Such fee shall be deposited in the state treasury to

164 the credit of the state highways and transportation department fund; and

165 (4) An inspection certificate, other than a motor vehicle examination
166 certificate required under subsection 9 of this section, completed and issued by
167 the Missouri state highway patrol, or other law enforcement agency as authorized
168 by the director of revenue. The inspection performed by the highway patrol or
169 other authorized local law enforcement agency shall include a check for stolen
170 vehicles.

171 The department of revenue shall issue the owner a certificate of ownership
172 designated with the words "Reconstructed Motor Vehicle" and deliver such
173 certificate of ownership in accordance with the provisions of this
174 chapter. Notwithstanding subsection 9 of this section, no owner of a
175 reconstructed motor vehicle described in this subsection shall be required to
176 obtain a vehicle examination certificate issued by the Missouri state highway
177 patrol.

301.800. 1. Any motor vehicle assembled by a two- or four-year
2 institution of higher education exclusively utilizing solar power and built to
3 compete in a national competition organized to foster interest in solar energy
4 shall be registered and titled by the director of revenue, other laws regulating
5 licensing of motor vehicles to the contrary notwithstanding.

6 2. Such institution shall file an application in a form prescribed by the
7 director, verified by affidavit, that such vehicle meets the requirements of
8 subsection 1 of this section.

9 3. The plate issued by the director shall be the collegiate plate of the
10 institution and shall display the term "solar" in a manner prescribed by the
11 director.

12 4. The institution shall pay the applicable fees as determined by the
13 director.

14 5. Such motor vehicle shall be exempt from the inspections required by
15 sections 307.350 and [307.366] **643.315**, RSMo, and shall only be operated on the
16 streets and highways with the approval of the institution of higher education.

**307.367. Prior to September 1, 2007, but no earlier than August
2 1, 2007, all the funds held in the Missouri air pollution control fund
3 established pursuant to section 307.366, shall be, as deemed necessary
4 by the state treasurer and commissioner of administration, transferred
5 to the Missouri air emission reduction fund as established in section
6 643.350, RSMo, to be used for the purposes of administering and**

7 **enforcing the provisions of sections 643.300 to 643.355, RSMo. Prior to**
8 **such date, any of the funds in the Missouri air pollution control fund**
9 **that are needed to pay any outstanding debt of the Missouri air**
10 **pollution control fund, as determined by the state treasurer, shall be**
11 **exempted from the provisions of this section. The Missouri air**
12 **pollution control fund shall be officially abolished on September 1,**
13 **2007.**

307.375. 1. The owner of every bus used to transport children to or from
2 school in addition to any other inspection required by law shall submit the vehicle
3 to an [official] inspection [station] **conducted by the state highway patrol,**
4 and obtain a certificate of inspection, sticker, seal or other device annually, but
5 the inspection of the vehicle shall not be made more than sixty days prior to
6 operating the vehicle during the school year. The inspection shall, in addition to
7 the inspection of the mechanism and equipment required for all motor vehicles
8 under the provisions of sections 307.350 to 307.390, include an inspection to
9 ascertain that the following items are correctly fitted, adjusted, and in good
10 working condition:

- 11 (1) All mirrors, including crossview, inside, and outside;
- 12 (2) The front and rear warning flashers;
- 13 (3) The stop signal arm;
- 14 (4) The crossing control arm on public school buses required to have them
15 pursuant to section 304.050, RSMo;
- 16 (5) The rear bumper to determine that it is flush with the bus so that
17 hitching of rides cannot occur;
- 18 (6) The exhaust tailpipe shall be flush with or may extend not more than
19 two inches beyond the perimeter of the body or bumper;
- 20 (7) The emergency doors and exits to determine them to be unlocked and
21 easily opened as required;
- 22 (8) The lettering and signing on the front, side and rear of the bus;
- 23 (9) The service door;
- 24 (10) The step treads;
- 25 (11) The aisle mats or aisle runners;
- 26 (12) The emergency equipment which shall include as a minimum a first
27 aid kit, flares or fuses, and a fire extinguisher;
- 28 (13) The seats, including a determination that they are securely fastened
29 to the floor;

- 30 (14) The emergency door buzzer;
31 (15) All hand hold grips;
32 (16) The interior glazing of the bus.

33 2. In addition to the inspection required by subsection 1 of this section,
34 the Missouri state highway patrol shall conduct an inspection after February first
35 of each school year of all vehicles required to be marked as school buses under
36 section 304.050, RSMo. This inspection shall be conducted by the Missouri
37 highway patrol in cooperation with the department of elementary and secondary
38 education and shall include, as a minimum, items in subsection 1 of this section
39 and the following:

- 40 (1) The driver seat belts;
41 (2) The heating and defrosting systems;
42 (3) The reflectors;
43 (4) The bus steps;
44 (5) The aisles;
45 (6) The frame.

46 3. If, upon inspection, conditions which violate the standards in subsection
47 2 of this section are found, the owner or operator shall have them corrected in ten
48 days and notify the superintendent of the Missouri state highway patrol or those
49 persons authorized by the superintendent. If the defects or unsafe conditions
50 found constitute an immediate danger, the bus shall not be used until corrections
51 are made and the superintendent of the Missouri state highway patrol or those
52 persons authorized by the superintendent are notified.

53 4. The Missouri highway patrol may inspect any school bus at any time
54 and if such inspection reveals a deficiency affecting the safe operation of the bus,
55 the provisions of subsection 3 of this section shall be applicable.

307.390. 1. Any person who violates any provision of [sections 307.350
2 to 307.390] **section 307.375** is guilty of a misdemeanor and upon conviction shall
3 be punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign
5 qualified persons who are not highway patrol officers to investigate and enforce
6 motor vehicle safety inspection laws and regulations pursuant to [sections
7 307.350 to 307.390] **section 307.375** and sections 643.300 to 643.355, RSMo. A
8 person assigned by the superintendent pursuant to the authority granted by this
9 subsection shall be designated a motor vehicle inspector and shall have limited
10 powers to issue a uniform complaint and summons for a violation of the motor

11 vehicle inspection laws and regulations. A motor vehicle inspector shall not have
12 authority to exercise the power granted in this subsection until such inspector
13 successfully completes training provided by, and to the satisfaction of, the
14 superintendent.

**643.303. 1. Beginning September 1, 2007, emissions inspections
2 required by sections 643.300 to 643.355, shall be conducted through a
3 decentralized emissions program that meets the requirements of this
4 section and sections 643.300 to 643.355. Prior to September 1, 2007, the
5 air conservation commission shall establish, by rule, a decentralized
6 emissions inspection program that allows official inspection stations to
7 conduct on-board diagnostic emission inspections of 1996 and newer
8 model year motor vehicles equipped with on-board diagnostic systems
9 meeting the federal Environmental Protection Agency On-Board
10 Diagnostics II (OBDII) standards. The decentralized emissions
11 inspection program, at a minimum, shall provide for the following:**

12 (1) The periodic inspection of certain motor vehicles as required
13 under section 643.315;

14 (2) The certification and operation of official emissions
15 inspection stations and the licensing of emission inspectors;

16 (3) The testing of motor vehicles through on-board diagnostic
17 testing technologies;

18 (4) The training, certification, and supervision of emission
19 inspectors and other personnel; and

20 (5) Procedures for certifying test results and for reporting and
21 maintaining relevant data records.

22 2. The commission shall establish a process in which any official
23 inspection station located in an area described in subsection 1 of
24 section 643.305, otherwise qualified by the Missouri state highway
25 patrol to conduct motor vehicle safety inspections under section
26 307.360, RSMo, may apply to conduct on-board diagnostic emission
27 inspections. Any motor vehicle safety inspection station that desires
28 to conduct emissions inspections shall submit an application for a
29 certificate of authorization to the commission as provided for under
30 section 643.320. Other individuals, corporations, or entities that do not
31 conduct motor vehicle safety inspections may conduct emission
32 inspections provided they meet the qualifications set forth in sections
33 643.300 to 643.355 and the rules promulgated by the

34 **commission. Applications shall be made upon a form designated by the**
35 **commission and shall contain such information as may be required by**
36 **the commission. A certificate of authorization issued under section**
37 **643.320 to conduct emission inspections shall be issued only after the**
38 **commission has made a determination that the applicant's proposed**
39 **inspection station will be properly equipped, has the necessary licensed**
40 **emission inspectors to conduct inspections, and meets all other**
41 **requirements of sections 643.300 to 643.355 or rules promulgated to**
42 **carry out the provisions of those sections.**

43 **3. The decentralized emissions inspection program shall allow**
44 **any official inspection station that is certified to conduct an on-board**
45 **diagnostic emission inspection under sections 643.300 to 643.355 to**
46 **repair motor vehicles in order to bring such vehicles into compliance**
47 **with sections 643.300 to 643.355, if such station and personnel meet the**
48 **qualifications to conduct emission repairs as set forth in sections**
49 **643.300 to 643.355. An official emission inspection station may elect to**
50 **be an emissions test-only station or may elect to conduct both emission**
51 **inspections and repairs.**

52 **4. The commission is authorized to begin certification of official**
53 **inspection stations prior to September 1, 2007, in order to implement**
54 **the decentralized emissions inspection program. Prior to January 1,**
55 **2007, the department of natural resources shall issue a report to the**
56 **general assembly and the governor regarding the progress of**
57 **implementing the decentralized emissions inspection program. The**
58 **report shall include, but not be limited to, a summary describing how**
59 **many inspection stations or individuals the department expects to**
60 **participate in the program and how many inspection stations or**
61 **individuals will be qualified by September 1, 2007, to conduct such**
62 **emissions inspections.**

63 **5. The commission may, as a part of implementing the**
64 **decentralized emissions inspection program, use remote sensing**
65 **devices to collect information regarding the vehicle fleet emissions**
66 **characteristics and registration compliance within the area described**
67 **in subsection 1 of section 643.305. The decentralized emissions**
68 **inspection program established by the commission may also include a**
69 **clean screen program that utilizes remote sensing devices. Owners of**
70 **eligible vehicles who comply with clean screen/remote sensing**

71 procedures shall be deemed to have complied with the mandatory
72 inspection requirements for the next inspection cycle. As used in this
73 subsection, the term "clean screen program" shall mean a procedure or
74 system that utilizes remote sensing technologies to determine whether
75 a motor vehicle has acceptable emission levels and then allows the
76 motor vehicle owner to bypass the emissions inspection test required
77 under section 643.315.

78 6. The decentralized emissions inspection program may include
79 a gas cap pressure test and a visual inspection component, and such
80 tests may be included as part of the motor vehicle safety inspection test
81 under section 307.350, RSMo.

82 7. As used in sections 643.300 to 643.355, the term "decentralized
83 emissions inspection program" shall mean an emissions inspection
84 program under which a certified emissions inspector conducts
85 emissions inspection testing at an official inspection station.

86 8. No later than July 1, 2007, the department of natural
87 resources, the department of revenue, and the Missouri state highway
88 patrol shall enter into an interagency agreement covering all aspects
89 of the administration and enforcement of sections 643.300 to 643.355.

90 9. The decentralized emission inspection program shall satisfy
91 the requirements established by regulation of the United States
92 Environmental Protection Agency.

93 10. The decentralized emissions inspection program established
94 by the commission and sections 643.300 to 643.355 shall not be
95 construed to be a new program as described in section 23.253, RSMo,
96 and the decentralized emissions inspection program shall not be
97 subject to the sunset mandate prescribed by sections 23.250 to 23.298,
98 RSMo.

99 11. No later than July 1, 2007, the air conservation commission
100 shall promulgate rules and regulations for the implementation of the
101 decentralized emission inspection program and sections 643.300 to
102 643.355. Any rule or portion of a rule, as that term is defined in section
103 536.010, RSMo, that is created under the authority delegated in this
104 section shall become effective only if it complies with and is subject to
105 all of the provisions of chapter 536, RSMo, and, if applicable, section
106 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
107 and if any of the powers vested with the general assembly under

108 **chapter 536, RSMo, to review, to delay the effective date, or to**
109 **disapprove and annul a rule are subsequently held unconstitutional,**
110 **then the grant of rulemaking authority and any rule proposed or**
111 **adopted after August 28, 2006, shall be invalid and void.**

112 **12. Prior to September 1, 2007, the department of natural**
113 **resources shall actively promote participation in the decentralized**
114 **emissions inspection program among qualified motor vehicle dealers,**
115 **service stations, and other individuals. After the implementation of the**
116 **decentralized emission inspection program, the department shall**
117 **monitor participation in such program. In determining whether there**
118 **are a sufficient number of individuals conducting motor vehicle**
119 **emission inspections under the decentralized program, the department**
120 **shall attempt to ensure, through promotional efforts, that no more than**
121 **twenty percent of all persons residing in the affected nonattainment**
122 **area reside farther than five miles from the nearest inspection station.**

643.305. 1. The air conservation commission shall adopt a state
2 implementation plan to bring all nonattainment areas of the state which are
3 located within a city not within a county, any county [of the first classification
4 having a population of over nine hundred thousand inhabitants, any county of the
5 first classification with a charter form of government and a population of not
6 more than two hundred twenty thousand inhabitants and not less than two
7 hundred thousand inhabitants, any county of the first classification without a
8 charter form of government with a population of not more than one hundred
9 eighty thousand inhabitants and not less than one hundred seventy thousand
10 inhabitants and any county of the first classification without a charter form of
11 government with a population of not more than eighty-two thousand inhabitants
12 and not less than eighty thousand inhabitants] **with a charter form of**
13 **government and with more than one million inhabitants, any county**
14 **with a charter form of government and with more than two hundred**
15 **fifty thousand but fewer than three hundred fifty thousand inhabitants,**
16 **any county of the first classification with more than one hundred**
17 **ninety-eight thousand but fewer than one hundred ninety-nine**
18 **thousand two hundred inhabitants, and any county of the first**
19 **classification with more than ninety-three thousand eight hundred but**
20 **fewer than ninety-three thousand nine hundred inhabitants, into**
21 **compliance with and to maintain the National Ambient Air Quality Standards**

22 and any regulations promulgated by the United States Environmental Protection
23 Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on
24 the required date or dates as such dates are established under the federal Clean
25 Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized
26 pursuant to that act.

27 2. The commission shall establish the amount of emissions reductions
28 required to achieve the goal established pursuant to subsection 1 of this section.

29 3. The department shall establish an air quality baseline for all
30 nonattainment areas of the state which are located within a metropolitan
31 statistical area with a population of at least one million inhabitants as defined
32 by the federal Office of Management and Budget or its successor agency. The air
33 quality baseline shall include, where practical, actual air contaminant emissions
34 data and data on the atmospheric concentrations of pollution and pollution
35 precursors for all nonattainment areas.

36 4. The department shall determine the costs and benefits of alternative
37 reduction measures including reductions of emissions from stationary and mobile
38 sources and traffic control measures. The department of transportation, regional
39 planning commissions and metropolitan planning organizations shall participate
40 with the department and provide information necessary to determine the costs
41 and benefits of emissions reduction measures.

42 5. The department shall evaluate any motor vehicle emissions inspection
43 program established under [section 307.366, RSMo, or] sections 643.300 to
44 643.355 and shall annually include in the report to the commission and the
45 general assembly required under section 643.192, beginning on January 1, 1996,
46 a detailed accounting of the inspection costs and repair costs incurred by vehicle
47 owners and of the emissions reductions produced or incurred by the
48 program. The department may use a representative sample of vehicles to provide
49 a statistically valid estimate of the repair costs and emissions reductions. The
50 report shall also include a recommendation to the general assembly on whether
51 the emissions inspection program should be continued, modified or terminated.

52 6. The department shall establish a program of public information and
53 education to educate the citizens of the state about the costs and benefits
54 associated with reaching attainment of the National Ambient Air Quality
55 Standards and the costs and benefits of all measures which are considered to
56 attain those standards. This shall be done prior to the commission's action under
57 subsection 1 of this section.

643.310. 1. The commission may, by rule, establish a **decentralized**
2 motor vehicle emissions inspection program pursuant to sections 643.300 to
3 643.355 for any portion of a nonattainment area located within the area described
4 in subsection 1 of section 643.305], except for any portion of the nonattainment
5 area which is located in a county of the first classification without a charter form
6 of government with a population of less than one hundred thousand inhabitants
7 according to the most recent decennial census, except that the commission may
8 establish a motor vehicle emissions inspection program pursuant to sections
9 643.300 to 643.355 in such county only for motor vehicles owned by residents of
10 such county who have chosen to participate in such a program in lieu of the
11 provisions of section 307.366, RSMo]. **The decentralized motor vehicle**
12 **emissions inspection program shall be implemented and applied in the**
13 **same manner throughout every portion of a nonattainment area located**
14 **within the area described in subsection 1 of section 643.305.** The
15 commission shall ensure that, for each nonattainment area, the state
16 implementation plan established pursuant to subsection 1 of section 643.305
17 incorporates and receives all applicable credits allowed by the United States
18 Environmental Protection Agency for emission reduction programs in other
19 nonattainment areas of like designation in other states. The commission shall
20 ensure that emission reduction amounts established pursuant to subsection 2 of
21 section 643.305 shall be consistent with and not exceed the emissions reduction
22 amounts required by the United States Environmental Protection Agency for
23 other nonattainment areas of like designation in other states. No motor vehicle
24 emissions inspection program shall be required to comply with subsection 1 of
25 section 643.305 unless the plan established thereunder takes full advantage of
26 any changes in requirements or any agreements made or entered into by the
27 United States Environmental Protection Agency and any entity or entities on
28 behalf of a nonattainment area concerning compliance with National Ambient Air
29 Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401, et
30 seq., and the regulations promulgated thereunder. [The air conservation
31 commission shall request and it shall be the duty of the attorney general to bring,
32 in a court of competent jurisdiction, an action challenging the authority of the
33 United States Environmental Protection Agency to impose sanctions for failure
34 to attain National Ambient Air Quality Standards and failure to provide for
35 required emission reductions under the federal Clean Air Act, as amended, 42
36 U.S.C. 7401, et seq. The action shall seek to define the required emission

37 reductions and the credits allowed for current and planned emission reductions
38 measures. The air conservation commission shall request and it shall be the duty
39 of the attorney general to bring an action to obtain injunctive relief to enjoin and
40 restrain the imposition of sanctions on the state of Missouri under the federal
41 Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated
42 pursuant to this section have been decided. Provisions of section 307.366, RSMo,
43 to the contrary notwithstanding, the requirements of sections 643.300 to 643.355
44 shall apply to those areas designated by the commission pursuant to this section
45 in lieu of the provisions of section 307.366, RSMo.]

46 2. [No later than the effective date of this section, the department of
47 natural resources and the Missouri highway patrol shall enter into an
48 interagency agreement covering all aspects of the administration and enforcement
49 of section 307.366, RSMo, and sections 643.300 to 643.355.

50 3.] (1) The department, with the cooperation and approval of the
51 commissioner of administration, shall select a person or persons to operate an
52 inspection facility or inspection program pursuant to sections 643.300 to 643.355,
53 under a bid procedure or under a negotiated process or a combination thereof
54 based on criteria and expectations established by the department. This process
55 may use either a licensing arrangement or contractual arrangement with the
56 selected party or parties. The selection of persons to operate inspection facilities
57 or inspection programs shall be exempt from the provisions of all site
58 procurement laws. [The number of locations shall be no less than the number
59 needed to provide adequate service to customers and establish an emissions
60 inspection program which satisfies the requirements of this section.] Each person
61 who is authorized to operate a station pursuant to this section shall be capable
62 of providing adequate and cost-effective service to customers.

63 (2) Service management, coordination and data processing may be
64 provided by the department or by another person, including a contractor or
65 licensee, based upon the most cost-effective proposal for service.

66 (3) A license or contract shall be for a period of up to seven years,
67 consistent with the provisions of article IV, section 28 of the Missouri
68 Constitution, and licenses or contracts shall be annually reviewed. A license or
69 contract may be suspended or revoked if the licensee or contractor is not meeting
70 the conditions of sections 643.300 to 643.355, all applicable rules, the license
71 agreement or contract as determined by the department. A licensee or contractor
72 found to have violated sections 643.300 to 643.355, applicable rules or the

73 conditions of the license agreement or contract shall be in violation of section
74 643.151 and subject to the penalties provided thereunder.

75 [4. The inspection program shall satisfy the following criteria:

76 (1) There shall be an adequate number of stations to ensure that no more
77 than twenty percent of all persons residing in an affected nonattainment area
78 reside farther than five miles from the nearest inspection station, and
79 consideration shall be given to employment, locations and commuting patterns
80 when selecting the locations of the stations;

81 (2) There shall be an adequate number of inspection lanes at each facility
82 so that no more than five percent of all persons having an inspection are required
83 to wait more than fifteen minutes before the inspection begins;

84 (3) The days and daily hours of operation shall include at least those
85 hours specified by the department, which shall include, at a minimum, twelve
86 continuous hours of operation on all weekdays excepting federal holidays, and six
87 continuous hours of operation on all Saturdays excepting federal holidays;

88 (4) The emissions inspection program shall include a simulated on-road
89 emissions inspection component, including pressure and purge tests, which
90 satisfies the requirements established by regulation of the United States
91 Environmental Protection Agency and may include a visual inspection component;

92 (5) The inspection stations shall be test-only stations and shall not offer
93 motor vehicle emissions repairs, parts or services of any kind;

94 (6) No person operating or employed by an emissions inspection station
95 shall repair or maintain motor vehicle emission systems or pollution control
96 devices for compensation of any kind.

97 5.] 3. The commission, the department of economic development and the
98 office of administration shall, in cooperation with the minority business advocacy
99 commission, select the contractor or contractors to provide an inspection program
100 which satisfies the minimum requirements of this section in accordance with the
101 requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission,
102 the office of administration and the department of economic development, in
103 cooperation with the minority business advocacy commission, shall ensure
104 adequate minority business participation in the selection of the contractor or
105 contractors to provide an inspection program pursuant to this section. The
106 commission, the office of administration and the department of economic
107 development shall ensure adequate participation of Missouri businesses in the
108 selection of the contractor or contractors to provide an inspection program

109 pursuant to this section.

110 [6.] 4. With approval of the commission and pursuant to rules adopted
111 by the commission, an organization whose members are motor vehicle dealers or
112 leasing companies may establish one or more additional emissions inspection
113 facilities, which may be either mobile or stationary, to be used solely to inspect
114 motor vehicles owned and held for sale or lease by the members of the
115 organization. With approval of the commission and pursuant to rules adopted by
116 the commission, any person operating a fleet of five hundred or more motor
117 vehicles may establish one or more additional emissions inspection facilities,
118 which may be either mobile or stationary, to be used solely to inspect motor
119 vehicles owned or leased and operated by the person establishing the
120 facility. The inspections performed in facilities established pursuant to this
121 subsection shall be performed by a contractor selected by the commission
122 pursuant to this section and the contractor performing such inspections shall be
123 responsible solely to the department and shall satisfy all applicable requirements
124 of sections 643.300 to 643.355.

125 [7. Any person who owns Missouri analyzer system emission inspection
126 equipment as defined by rule, used to provide emissions inspections pursuant to
127 section 307.366, RSMo, at a facility located in an area in which an emissions
128 inspection program has been established pursuant to sections 643.300 to 643.355
129 may, within twelve months of the implementation of an emissions inspection
130 program pursuant to sections 643.300 to 643.355, sell such equipment to the
131 department of natural resources at current market value as established by an
132 independent appraisal provided that the equipment is fully functional and has
133 been maintained according to all applicable manufacturer's specifications and
134 procedures. The department shall purchase such equipment using funds
135 appropriated for that purpose from the Missouri air emission reduction fund. Any
136 person who, prior to January 1, 1992, contracted to lease or lease purchase, or
137 purchased by borrowing a portion of the funds secured by a chattel mortgage,
138 Missouri analyzer system emission inspection equipment used to provide
139 emissions inspections pursuant to section 307.366, RSMo, at a facility located in
140 an area in which an emissions inspection program has been established pursuant
141 to sections 643.300 to 643.355, and has made all payments required under the
142 contract, may, within twelve months of the implementation of an emissions
143 inspection program pursuant to sections 643.300 to 643.355, request the
144 department of natural resources to take possession of such equipment and assume

145 all payment obligations owed on such equipment which obligations are not in
146 excess of one hundred and twenty-five percent of the current market value as
147 established by an independent appraisal, provided that the equipment is fully
148 functional and has been maintained according to all applicable manufacturer's
149 specifications and procedures. The department shall take possession of such
150 equipment and pay such obligations using funds appropriated for that purpose
151 from the Missouri air emission reduction fund.

152 8.] 5. If the governor applies to the administrator of the Environmental
153 Protection Agency to require federal reformulated gasoline in nonattainment
154 areas, nothing in sections 643.300 to 643.355 shall prevent the storage of
155 conventional gasoline in nonattainment areas which is intended for sale to
156 agricultural, commercial or retail customers outside said nonattainment areas
157 subject to reformulated gasoline.

158 [9.] 6. The governor, the department of natural resources, and the
159 commission shall work to ensure an orderly transition period in the
160 nonattainment area for the introduction of reformulated gasoline. Priority shall
161 be given to ensure the petroleum refiners ample time to organize, structure, and
162 implement both the production and the delivery of reformulated gasoline to the
163 nonattainment area, so that consumers will see an orderly, seamless market
164 substitution.

643.315. 1. **This enactment of the emissions inspection program**
2 **is a mandate of the United States Congress pursuant to the federal**
3 **Clean Air Act, as amended, 42 U.S.C. 7401, et seq.** Except as provided in
4 sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or
5 primarily operated in an area for which the commission has established a motor
6 vehicle emissions inspection program pursuant to sections 643.300 to 643.355,
7 [which may include all motor vehicles owned by residents of a county of the first
8 classification without a charter form of government with a population of less than
9 one hundred thousand inhabitants according to the most recent decennial census
10 who have chosen to participate in such a program in lieu of the provisions of
11 section 307.366, RSMo,] shall be inspected and approved prior to sale or transfer.
12 In addition, any such vehicle manufactured as an even-numbered model year
13 vehicle shall be inspected and approved under the emissions inspection program
14 established pursuant to sections 643.300 to 643.355 in each even-numbered
15 calendar year and any such vehicle manufactured as an odd-numbered model year
16 vehicle shall be inspected and approved under the emissions inspection program

17 established pursuant to sections 643.300 to 643.355 in each odd-numbered
18 calendar year. All motor vehicles subject to the inspection requirements of
19 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and
20 when applicable, a valid emissions inspection certificate shall be presented at the
21 time of registration or registration renewal of such motor vehicle. **The**
22 **department of revenue shall require evidence of the safety and**
23 **emission inspection and approval required by this section in issuing**
24 **the motor vehicle registration in conformity with the procedure**
25 **required by sections 307.350 to 307.390, RSMo, and sections 643.300 to**
26 **643.355. The director of revenue may verify that a successful safety and**
27 **emissions inspection was completed via electronic means.**

28 2. [No emission standard established by the commission for a given make
29 and model year shall exceed the lesser of the following:

30 (1) The emission standard for that vehicle model year as established by
31 the United States Environmental Protection Agency; or

32 (2) The emission standard for that vehicle make and model year as
33 established by the vehicle manufacturer.

34 3.] The inspection requirement of subsection 1 of this section shall apply
35 to all motor vehicles except:

36 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in
37 excess of eight thousand five hundred pounds;

38 (2) Motorcycles and motortricycles if such vehicles are exempted from the
39 motor vehicle emissions inspection under federal regulation and approved by the
40 commission by rule;

41 (3) Model year vehicles manufactured [twenty-six years or more] prior to
42 [the current model year] **1996**;

43 (4) Vehicles which are powered exclusively by electric or hydrogen power
44 or by fuels other than gasoline which are exempted from the motor vehicle
45 emissions inspection under federal regulation and approved by the commission
46 by rule;

47 (5) Motor vehicles registered in an area subject to the inspection
48 requirements of sections 643.300 to 643.355 which are domiciled and operated
49 exclusively in an area of the state not subject to the inspection requirements of
50 sections 643.300 to 643.355, but only if the owner of such vehicle presents to the
51 department an affidavit that the vehicle will be operated exclusively in an area
52 of the state not subject to the inspection requirements of sections 643.300 to

53 643.355 for the next twenty-four months, and the owner applies for and receives
54 a waiver which shall be presented at the time of registration or registration
55 renewal;

56 (6) New and unused motor vehicles, of model years of the current calendar
57 year and of any calendar year within two years of such calendar year, which have
58 an odometer reading of less than six thousand miles at the time of original sale
59 by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;
60 [and]

61 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

62 **(8) School buses;**

63 **(9) Diesel-powered vehicles, except light-duty diesel-powered**
64 **vehicles manufactured after 1996 with a gross vehicle weight rating of**
65 **eight thousand five hundred pounds or less;**

66 **(10) New motor vehicles that have not been previously titled and**
67 **registered, for the four-year period following their model year of**
68 **manufacture, provided the odometer reading for such motor vehicles**
69 **are under fifty thousand miles at their first required biennial safety**
70 **inspection conducted under sections 307.350 to 307.390, RSMo;**
71 **otherwise such motor vehicles shall be subject to the emissions**
72 **inspection requirements of subsection 1 of this section during the same**
73 **period that the biennial safety inspection is conducted; and**

74 **(11) Motor vehicles that are driven fewer than twelve thousand**
75 **miles between biennial safety inspections.**

76 [4.] 3. The commission may, by rule, allow inspection reciprocity with
77 other states having equivalent or more stringent testing and waiver requirements
78 than those established pursuant to sections 643.300 to 643.355.

79 [5.] 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined
80 in section 301.550, RSMo, may choose to sell a motor vehicle subject to the
81 inspection requirements of sections 643.300 to 643.355 either:

82 (a) With prior inspection and approval as provided in subdivision (2) of
83 this subsection; or

84 (b) Without prior inspection and approval as provided in subdivision (3)
85 of this subsection.

86 (2) If the dealer chooses to sell the vehicle with prior inspection and
87 approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle
88 obtained approval by meeting the emissions standards established pursuant to

89 sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335.
90 A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer
91 shall be inspected and approved within the one hundred twenty days immediately
92 preceding the date of sale, and, for the purpose of registration of such vehicle,
93 such inspection shall be considered timely.

94 (3) If the dealer chooses to sell the vehicle without prior inspection and
95 approval, the purchaser may return the vehicle within ten days of the date of
96 purchase, provided that the vehicle has no more than one thousand additional
97 miles since the time of sale, if the vehicle fails, upon inspection, to meet the
98 emissions standards specified by the commission and the dealer shall have the
99 vehicle inspected and approved without the option for a waiver of the emissions
100 standard and return the vehicle to the purchaser with a valid emissions
101 certificate and sticker within five working days or the purchaser and dealer may
102 enter into any other mutually acceptable agreement. If the dealer chooses to sell
103 the vehicle without prior inspection and approval, the dealer shall disclose
104 conspicuously on the sales contract and bill of sale that the purchaser has the
105 option to return the vehicle within ten days, provided that the vehicle has no
106 more than one thousand additional miles since the time of sale, to have the dealer
107 repair the vehicle and provide an emissions certificate and sticker within five
108 working days if the vehicle fails, upon inspection, to meet the emissions
109 standards established by the commission, or enter into any mutually acceptable
110 agreement with the dealer. A violation of this subdivision shall be an unlawful
111 practice as defined in section 407.020, RSMo. No emissions inspection shall be
112 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle
113 which may be sold without a certificate of inspection and approval, as provided
114 pursuant to subsection 2 of section 307.380, RSMo.

643.320. 1. [The commission shall establish, by rule, procedures,
2 standards, and requirements for the operation of emissions inspection stations
3 and the conduct of emissions inspections] **The commission shall prescribe**
4 **the standards and equipment necessary for an official emissions**
5 **inspection station and the qualifications for persons who conduct the**
6 **inspections, and no applicant for certificate of authorization to conduct**
7 **emissions inspections may be approved to operate an official emissions**
8 **inspection station until the applicant meets the standards and has the**
9 **required equipment and qualified inspectors as prescribed by the**
10 **commission. The commission shall establish standards and procedures**

11 **to be followed in the making of inspections required by sections 643.300**
12 **to 643.355 and shall prescribe rules and regulations for the operation**
13 **of emissions inspection stations.**

14 2. [The emissions inspection stations shall be operated in accordance with
15 all requirements established by the commission under this section] **The**
16 **application for a certificate of authorization to operate as an official**
17 **emissions inspection station shall be made to the commission on a form**
18 **furnished by the commission. The application shall be accompanied by**
19 **a fee established by the commission by rule, but in no case shall the fee**
20 **exceed one hundred dollars. The certificate of authorization shall be**
21 **renewed annually on the date of issue. All fees shall be payable to the**
22 **director of revenue and shall be deposited by the director of revenue**
23 **in the state treasury to the credit of the Missouri air emission**
24 **reduction fund established under section 643.350.**

25 3. The [department] **commission or its designee** shall cause
26 unannounced inspections to be made of the operation of each emissions inspection
27 station at least once during each calendar year. The inspection may include
28 submitting a known high emission vehicle for inspection without prior disclosure
29 to the inspection station.

30 4. **At any time the commission or its designee shall have reason**
31 **to believe that any person has violated any provisions of sections**
32 **643.300 to 643.355 or the regulations promulgated thereunder, the**
33 **commission or its designee shall refuse to issue or shall revoke or**
34 **suspend any certificate of authority under this section. The suspension**
35 **or revocation of a certificate of authority shall be in writing to the**
36 **operator, inspector, or the person in charge of the emissions inspection**
37 **station. Before suspending or revoking the certificate of authority to**
38 **conduct emissions inspections, the commission or its designee shall**
39 **serve notice in writing by certified mail or by personal service to the**
40 **inspection station at the operator's address of record giving the**
41 **permittee the opportunity to appear in the office of the commission on**
42 **a stated date, not less than ten nor more than thirty days after the**
43 **mailing or service of the notice, for a hearing to show cause why the**
44 **inspection station's certificate of authority should not be suspended or**
45 **revoked. An inspection station owner or an inspector may appear in**
46 **person or by counsel in the office of the commission or its designee to**
47 **show cause why the proposed suspension or revocation is in error, or**

48 to present any other facts or testimony that would bear on the final
49 decision of the commission or its designee. If the operator, owner, or
50 inspector does not appear on the stated day after receipt of notice, it
51 shall be presumed that such party admits the allegations of fact
52 contained in the hearing notification letter. The decision of the
53 commission or its designee may in such case be based upon the written
54 reports submitted by the commission's officers. The order of the
55 commission, specifying the commission's findings of fact and
56 conclusions of law, shall be considered final immediately after receipt
57 of notice thereof by the inspection station.

58 5. The commission may impose alternative administrative
59 enforcement mechanisms in lieu of suspending or revoking a certificate
60 of authority. Such alternative administrative enforcement mechanisms
61 may include, but not be limited to, requiring inspectors to successfully
62 complete a commission-approved retraining program. The commission
63 also may require any individual who has his or her certificate of
64 authority suspended to undergo remedial retraining as a condition of
65 removing such suspension.

66 [4.] 6. The department may require emissions inspection stations to
67 furnish reports, upon forms furnished by the department for that purpose, that
68 the department considers necessary for the administration of sections 643.300 to
69 643.355.

70 [5. No emissions inspection required under sections 643.300 to 643.355
71 may be performed at an emissions inspection station unless there is conspicuously
72 posted on the premises of the emissions inspection station a sign which is at least
73 eight feet high and sixteen feet wide and which sign bears the legend: "This
74 inspection is mandated by the United States Environmental Protection Agency
75 under powers granted to it by your United States Senators and Representatives
76 in Washington, D.C." A standard sign, designed by the department and
77 containing letters of at least six inches in height, shall be used by all emissions
78 inspection stations. Such signs shall be furnished by the department to each
79 emissions inspection station at no cost to the station.]

80 7. The commission shall design and furnish each official
81 emissions inspection station, at no cost, one official sign made of metal
82 or other durable material to be displayed in a conspicuous location to
83 designate the station as an official emissions inspection

84 station. Additional signs may be obtained by an official inspection
85 station for a fee equal to the cost to the state. Each official emissions
86 inspection station shall also be supplied with one or more posters
87 which must be displayed in a conspicuous location at the place of
88 inspection and which informs the public that required repairs or
89 corrections need not be made at the inspection station.

643.330. 1. An owner whose vehicle fails, upon inspection, to meet the
2 emissions standards specified by the commission may have the vehicle
3 reinspected after making repairs or adjustments to the vehicle to reduce
4 emissions.

5 2. No motor vehicle owner shall be charged an additional emissions
6 inspection fee for **one additional** emissions [reinspections] **reinspection**
7 completed within [thirty calendar] **twenty consecutive** days, **excluding**
8 **Saturdays, Sundays, and holidays**, of the initial emissions inspection. **Such**
9 **fee only shall be waived or not charged if the reinspection is made by**
10 **the station making the initial inspection.**

11 3. [The department shall publish a list of emissions repair and
12 adjustment procedures based on the ratio of potential emissions reductions to
13 cost, and the list shall be distributed and made available at all emissions
14 inspection stations. The list shall indicate the most cost-effective measures that
15 a vehicle owner can take to reduce emissions.

16 4. The inspector shall provide in writing to the owner of a vehicle which
17 fails, upon inspection, to meet the emissions standards, the nature of the vehicle's
18 failure, the components or equipment responsible for the failure and the
19 estimated cost of repair to the extent practical pursuant to rules promulgated by
20 the commission.

21 5.] The department shall cause unannounced tests of facilities which
22 repair, service or maintain motor vehicle emissions components and equipments,
23 including submitting known high emission vehicles with known defects for repair
24 without prior disclosure to the repair facility. Any suspected violations of chapter
25 407, RSMo, shall be reported by the department to the attorney general who shall
26 institute appropriate proceedings under sections 407.095 and 407.100, RSMo,
27 regarding unlawful merchandising practices.

643.335. 1. The commission shall establish, by rule, a waiver amount,
2 which [may be lower for older model vehicles and which, prior to January 1,
3 2001,] shall be no greater than [seventy-five dollars for model year vehicles prior

4 to 1981, no greater than two hundred dollars for model year vehicles of 1981 to
5 1996 and no greater than] four hundred and fifty dollars [for model year vehicles
6 of 1997 and all subsequent model years. On and after January 1, 2001, the
7 commission may, by rule, set the waiver amount, except that the waiver amount
8 shall not exceed the waiver amount provided in the federal Clean Air Act, as
9 amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for
10 the enhanced motor vehicle emissions inspection].

11 2. The commission shall establish, by rule, a form and a procedure for
12 verifying that repair and adjustment was performed on a failing vehicle prior to
13 the granting of a waiver and approval.

14 3. The waiver form established pursuant to subsection 2 of this section
15 shall be an affidavit requiring:

16 (1) A statement signed by the repairer that the specified work was done
17 and stating the itemized charges for the work; and

18 (2) A statement signed by the [emissions inspection contractor]
19 **commission or its designee** that an inspection of the vehicle verified, to the
20 extent practical, that the specified work was done. **An inspection to verify**
21 **whether repair work was performed or not shall not be conducted by**
22 **the same inspection station, inspector, or affiliate that performed the**
23 **repair work.**

24 4. A vehicle which fails upon reinspection to meet the emissions standards
25 specified by the commission shall have the emissions standards waived and
26 receive approval only if the owner furnishes a complete, signed affidavit
27 satisfying the requirements of subsection 3 of this section and the cost of the
28 parts, repairs and adjustment work performed is equal to or greater than the
29 waiver amount established by the commission. Costs for repair work may only
30 be included toward reaching the waiver amount if the repairs are performed by
31 a recognized repair technician [as defined by rule]. **As used in this section,**
32 **a recognized repair technician is a repair technician who has obtained**
33 **and possesses valid A6, A8, and L1 certifications from the National**
34 **Institute for Automotive Service Excellence.**

35 5. No cost for parts, repairs or adjustments shall be included toward
36 reaching the waiver amount if such costs are covered by an emission control
37 performance warranty provided by the manufacturer at no additional cost to the
38 vehicle owner unless the vehicle owner provides, with the affidavit, a written
39 denial of warranty remedy from the motor vehicle manufacturer, dealer or other

40 person providing the warranty.

41 6. No cost for parts, repairs or adjustments shall be included toward
42 reaching the waiver amount if such costs are required to correct the effects of
43 tampering with emissions systems or air pollution control devices.

44 **7. Notwithstanding subsection 1 of this section, the waiver**
45 **amount for an owner that performs repair work on his or her own**
46 **vehicle shall be four hundred dollars, provided that the cost of the**
47 **parts utilized by the owner to perform the repair is equal to or greater**
48 **than four hundred dollars. The types of parts that shall account toward**
49 **the waiver amount described in this subsection shall include only**
50 **emission control components described in 40 CFR Section 51.360, as**
51 **amended. The cost for labor performed by the owner shall not count**
52 **toward the waiver limit. The commission shall establish, by rule, a**
53 **waiver form for repair work performed by a vehicle owner. Such form**
54 **shall include, but not be limited to:**

55 **(1) A statement signed by the owner that the owner expended a**
56 **minimum of four hundred dollars on qualified emission control**
57 **components and that the owner installed such components; and**

58 **(2) A statement signed by the commission or its designee that an**
59 **inspection of the vehicle verified, to the extent practical, that the**
60 **qualified components were installed.**

61 **The owner also shall submit all original receipts for emission-related**
62 **parts.**

63 **8. The commission may establish, by rule, a waiver amount which**
64 **may be lower for owners who provide reasonable and reliable proof to**
65 **the commission that the owner is financially dependant solely on state**
66 **and federal disability benefits and other public assistance**
67 **programs. Such proof shall be submitted to the commission thirty**
68 **calendar days prior to each subsequent emissions inspection before the**
69 **lowered waiver amount is allowed. For the purposes of this section,**
70 **"reasonable and reliable proof" shall mean government issued**
71 **documentation providing explanation of said customer's disability and**
72 **financial assistance with regard to personal income.**

643.350. 1. A fee[, not to exceed twenty-four dollars,] may be charged for
2 an emissions inspection conducted under the emissions inspection program
3 established pursuant to sections 643.300 to 643.355[, except that on days of
4 operation, other than the last three days of operation in each calendar month, the

5 fee shall be reduced by:

6 (1) Ten dollars for any person who is required to wait more than thirty
7 minutes before the inspection begins; and

8 (2) Twenty dollars for any person who is required to wait more than sixty
9 minutes before the inspection begins.

10 The waiting time shall begin at the time when the customer's vehicle is on the
11 premises of the inspection station and available for inspection]. **Effective**
12 **September 1, 2007, the fee shall not exceed twenty-four dollars. The fee**
13 **may be adjusted, by rule, annually on September 1 of each succeeding**
14 **year by the same percentage as the percentage change in the general**
15 **price level as measured by the Consumer Price Index for all Urban**
16 **Consumers for the United States, or its successor index, as defined and**
17 **officially recorded by the United States Department of Labor or its**
18 **successor agency. The department shall calculate the adjusted fee**
19 **yearly on September first and make the fee information available to**
20 **certified emissions inspectors and the public. The department may**
21 **promulgate rules to effectuate the provisions of this section. Any rule**
22 **or portion of a rule, as that term is defined in section 536.010, RSMo,**
23 **that is created under the authority delegated in this section shall**
24 **become effective only if it complies with and is subject to all of the**
25 **provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
26 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
27 **of the powers vested with the general assembly pursuant to chapter**
28 **536, RSMo, to review, to delay the effective date, or to disapprove and**
29 **annul a rule are subsequently held unconstitutional, then the grant of**
30 **rulemaking authority and any rule proposed or adopted after**
31 **September 1, 2007, shall be invalid and void.**

32 2. [The commission shall establish, by rule, a time-stamping system to
33 ensure that the time of arrival and the time inspection begins is accurately
34 recorded for each vehicle at each emissions inspection facility.

35 3.] The fee shall be conspicuously posted on the premises of each
36 emissions inspection station.

37 [4.] 3. The commission shall establish, by rule, the portion of the fee
38 amount to be remitted by the [contractor] **emission inspection station** to the
39 director of revenue and the number of days allowed for remitting fees.

40 [5.] 4. The [contractor] **official emission inspection station** shall

41 remit the portion of fees collected, as established by the commission pursuant to
42 this section, to the [director of revenue] **state treasurer** within the time period
43 established by the commission. The [director of revenue] **state treasurer** shall
44 deposit the fees received in the state treasury to the credit of the "Missouri Air
45 Emission Reduction Fund", which is hereby created. Moneys in the fund shall,
46 subject to appropriation, be expended for the administration and enforcement of
47 sections 643.300 to 643.355 by the department of natural resources, the Missouri
48 highway patrol, and other appropriate agencies. Any balance in the fund at the
49 end of the biennium shall remain in the fund and shall not be subject to the
50 provisions of section 33.080, RSMo. All interest earned by moneys in the fund
51 shall accrue to the fund. **If in the immediate previous fiscal year, the**
52 **state's net general revenue did not increase by two percent or more, the**
53 **state treasurer shall deposit moneys, except for gifts, donations, or**
54 **bequests, received under this section beginning January first of the**
55 **current fiscal year into the state general revenue fund. Otherwise, the**
56 **state treasurer shall deposit such moneys in accordance with the**
57 **provisions of this section.**

58 [6.] **5.** In addition to funds from the Missouri air emission reduction
59 fund, costs of capital or operations may be supplemented, upon appropriation,
60 from the general revenue fund, the state highway department fund, federal funds
61 or other funds available for that purpose.

643.353. Beginning January 15, 2008, and annually thereafter, the
2 **department of natural resources shall submit a report to the governor**
3 **and general assembly that describes the overall effectiveness of the**
4 **decentralized emissions inspection program. Such report shall be**
5 **based upon the latest available data, including data derived from EPA**
6 **model analysis. The report shall contain an interpretative analysis**
7 **detailing whether or not the ambient air quality achieved by the**
8 **decentralized emissions inspection program exceeds the ambient air**
9 **quality achieved by the current centralized emissions inspection**
10 **program.**

[307.350. 1. The owner of every motor vehicle as defined in
2 section 301.010, RSMo, which is required to be registered in this
3 state, except:

4 (1) New motor vehicles which have not been previously
5 titled and registered, for the two-year period following their model

6 year of manufacture;

7 (2) Those motor vehicles which are engaged in interstate
8 commerce and are proportionately registered in this state with the
9 Missouri highway reciprocity commission, although the owner may
10 request that such vehicle be inspected by an official inspection
11 station, and a peace officer may stop and inspect such vehicles to
12 determine whether the mechanical condition is in compliance with
13 the safety regulations established by the United States Department
14 of Transportation; and

15 (3) Historic motor vehicles registered pursuant to section
16 301.131, RSMo;
17 shall submit such vehicles to a biennial inspection of their
18 mechanism and equipment in accordance with the provisions of
19 sections 307.350 to 307.390 and obtain a certificate of inspection
20 and approval and a sticker, seal, or other device from a duly
21 authorized official inspection station. The inspection, except the
22 inspection of school buses which shall be made at the time provided
23 in section 307.375, shall be made at the time prescribed in the
24 rules and regulations issued by the superintendent of the Missouri
25 state highway patrol; but the inspection of a vehicle shall not be
26 made more than sixty days prior to the date of application for
27 registration or within sixty days of when a vehicle's registration is
28 transferred. Any vehicle manufactured as an even-numbered
29 model year vehicle shall be inspected and approved pursuant to the
30 safety inspection program established pursuant to sections 307.350
31 to 307.390 in each even-numbered calendar year and any such
32 vehicle manufactured as an odd-numbered model year vehicle shall
33 be inspected and approved pursuant to sections 307.350 to 307.390
34 in each odd-numbered year. The certificate of inspection and
35 approval shall be a sticker, seal, or other device or combination
36 thereof, as the superintendent of the Missouri state highway patrol
37 prescribes by regulation and shall be displayed upon the motor
38 vehicle or trailer as prescribed by the regulations established by
39 him. The replacement of certificates of inspection and approval
40 which are lost or destroyed shall be made by the superintendent of
41 the Missouri state highway patrol under regulations prescribed by

42 him.

43 2. For the purpose of obtaining an inspection only, it shall
44 be lawful to operate a vehicle over the most direct route between
45 the owner's usual place of residence and an inspection station of
46 such owner's choice, notwithstanding the fact that the vehicle does
47 not have a current state registration license. It shall also be lawful
48 to operate such a vehicle from an inspection station to another
49 place where repairs may be made and to return the vehicle to the
50 inspection station notwithstanding the absence of a current state
51 registration license.

52 3. No person whose motor vehicle was duly inspected and
53 approved as provided in this section shall be required to have the
54 same motor vehicle again inspected and approved for the sole
55 reason that such person wishes to obtain a set of any special
56 personalized license plates available pursuant to section 301.144,
57 RSMo, or a set of any license plates available pursuant to section
58 301.142, RSMo, prior to the expiration date of such motor vehicle's
59 current registration.

60 4. Notwithstanding the provisions of section 307.390,
61 violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no
2 person shall be required to have a biennial vehicle inspection
3 during a registration period which exceeds two years. The
4 inspection required at the beginning of the registration period shall
5 be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the
2 type of vehicle required to be inspected by section 307.350 may be
3 transferred or issued during a biennial registration year in which
4 the vehicle is required to be inspected unless the application is
5 accompanied by a certificate of inspection and approval issued no
6 more than sixty days prior to the date of application, or in the case
7 of school buses, which will be required to be inspected annually as
8 provided in section 307.375, except:

9 (1) The director of revenue may transfer or issue a state
10 registration license to the type of vehicle required to be inspected
11 by section 307.350 without a certificate of inspection and approval

12 accompanying the application if the director has satisfactory
13 evidence that the vehicle was not in the state of Missouri at any
14 time during the sixty days prior to the date of application; however,
15 the owner of every such vehicle must submit the vehicle for
16 inspection and obtain a certificate of inspection and approval
17 within ten days after the vehicle is first returned to the state of
18 Missouri;

19 (2) The director of revenue shall renew a vehicle's
20 registration license without a certificate of inspection and approval
21 accompanying the application if satisfactory documentary evidence
22 is presented at the time of application that the license being
23 renewed was properly transferred within a six-month period prior
24 to the expiration of the license being renewed or that the vehicle
25 for which the registration is being issued was issued a registration
26 for a period of less than one year for the registration period just
27 expiring.

28 2. If due to interstate operation a commercial motor vehicle
29 as defined in section 301.010, RSMo, or a trailer of the type
30 required to be inspected is required to obtain full fee registration
31 in this and any other state during the same calendar year, no
32 Missouri certificate of inspection and approval is required if the
33 vehicle bears evidence that a current valid inspection sticker or
34 decal was issued by such other state in which the vehicle is
35 registered; provided that the sticker or decal issued by such other
36 state is valid for the registration period in this state.

37 3. After a commercial motor vehicle as defined in section
38 301.010, RSMo, has been registered for the current year, no
39 certificate of inspection and approval is required when a local
40 commercial motor vehicle license is changed to a beyond-local
41 commercial motor vehicle license or when the licensed gross weight
42 is changed during the licensed period.]

2 [307.360. 1. The superintendent of the Missouri state
3 highway patrol shall issue permits and written instructions to
4 official inspection stations and shall furnish forms and certificates
5 for the inspection of brakes, lighting equipment, signaling devices,
steering mechanisms, horns, mirrors, windshield wipers, tires,

6 wheels, exhaust system, glazing, air pollution control devices, fuel
7 system, and any other safety equipment required by the state. In
8 no instance will road testing of a vehicle be considered a part of the
9 inspection procedure.

10 2. The superintendent of the Missouri state highway patrol
11 shall prescribe the standards and equipment necessary for an
12 official inspection station and the qualifications for persons who
13 conduct the inspections, and no applicant may be approved to
14 operate an official inspection station until the applicant meets the
15 standards and has the required equipment and qualified inspectors
16 as prescribed. The superintendent of the Missouri state highway
17 patrol shall establish standards and procedures to be followed in
18 the making of inspections required by sections 307.350 to 307.390
19 and shall prescribe rules and regulations for the operation of the
20 stations.

21 3. (1) The application for permit as an official inspection
22 station shall be made to the superintendent of the Missouri state
23 highway patrol on a form furnished by the superintendent. The fee
24 for a permit to operate an official inspection station shall be ten
25 dollars per year and each permit shall be renewed annually on the
26 date of issue. All fees shall be payable to the director of revenue
27 and shall be deposited by him in the state treasury to the credit of
28 the state highway fund.

29 (2) The application shall set forth the name under which
30 applicant transacts or intends to transact business, the location of
31 the applicant's place of business and such other information as the
32 superintendent of the Missouri state highway patrol may require.
33 If the applicant has or intends to have more than one place of
34 business within the state, a separate application shall be made for
35 each place of business. If the applicant is a partnership, the
36 application shall set forth the names of the partners; if a
37 corporation, the names of the officers shall be shown. The
38 application shall be signed and verified by oath or affirmation of
39 the owner or an authorized officer or partner.

40 (3) Each location which fulfills the superintendent of the
41 Missouri state highway patrol's requirements and whose owners,

42 proprietors and employees comply with the superintendent's
43 regulations and qualifications shall be designated as an official
44 inspection station and the applicant issued a certificate. The
45 superintendent of the Missouri state highway patrol shall
46 investigate all applicants for inspection station permits to
47 determine whether or not the premises, equipment and personnel
48 meet the requirements prescribed by him.

49 (4) Any automobile mechanic who has had at least one year
50 of practical experience as an automotive mechanic or any person
51 who has successfully completed a course of vocational instruction
52 in automotive mechanics from a generally recognized educational
53 institution, either public or private, and who has demonstrated the
54 knowledge and ability to conduct an inspection in compliance with
55 the regulations established by the superintendent of the Missouri
56 state highway patrol may be issued a permit to conduct inspections
57 at any official inspection station. No person without a valid permit
58 shall conduct any part of an inspection, except a person without a
59 valid permit may assist in the inspection of a vehicle by operating
60 the vehicle's lighting equipment and signaling devices. The
61 superintendent of the Missouri state highway patrol may require
62 a mechanic to be reexamined at any time to determine the
63 mechanic's knowledge and ability to conduct an inspection. If the
64 mechanic fails the reexamination or refuses to be reexamined, the
65 permit issued to the mechanic shall be suspended until the
66 mechanic passes the examination but under no circumstances can
67 the mechanic again be tested until a period of thirty days has
68 elapsed. No fee shall be charged for the permit and the permit
69 shall remain valid for a period of three years from the date of issue
70 or until suspended or revoked by the superintendent of the
71 Missouri state highway patrol.

72 (5) The superintendent of the Missouri state highway patrol
73 may issue a private official inspection station permit to any
74 association, person, partnership, corporation and/or subsidiary
75 corporation, and governmental entity having registered or titled in
76 his, her or its name in this state one or more vehicles of the type
77 required to be inspected by section 307.350, or who maintains such

78 vehicles under a written maintenance agreement of at least one
79 year's duration and who maintains approved inspection facilities
80 and has qualified personnel; but separate permits must be obtained
81 for separate facilities of the same association, person, partnership,
82 corporation and/or subsidiary corporation, or governmental
83 entity. Such private stations shall inspect only vehicles registered
84 or to be registered, titled or to be titled or maintained in the name
85 of the person or organization described on the application for
86 permit. No fee shall be charged for a permit issued to a
87 governmental entity.

88 4. (1) The superintendent of the Missouri state highway
89 patrol shall supervise and cause inspections to be made of the
90 official inspection stations and inspecting personnel and if the
91 superintendent finds that the provisions of sections 307.350 to
92 307.390 or the regulations issued pursuant to sections 307.350 to
93 307.390 are not being complied with, or that the business of an
94 official inspection station, in connection with corrections,
95 adjustments, repairs or inspection of vehicles is being improperly
96 conducted, the superintendent shall suspend or revoke the permit
97 of the station for a period of not less than thirty days or more than
98 one year and require the immediate surrender and return of the
99 permit, together with all official forms and certificates of inspection
100 and approval. If the superintendent finds that an inspector has
101 violated any of the provisions of sections 307.350 to 307.390 or the
102 regulations issued pursuant to sections 307.350 to 307.390, the
103 superintendent shall suspend or revoke the inspector's permit for
104 a period of not less than thirty days nor more than one year. If a
105 station operator or if an inspector violates any of the provisions of
106 sections 307.350 to 307.390, he or she is subject to prosecution as
107 provided in section 307.390.

108 (2) The suspension or revocation of a station permit or of an
109 inspector's permit shall be in writing to the operator, inspector, or
110 the person in charge of the station. Before suspending or revoking
111 either of the permits, the superintendent shall serve notice in
112 writing by certified mail or by personal service to the permittee at
113 the permittee's address of record giving the permittee the

114 opportunity to appear in the office of the superintendent on a
115 stated date, not less than ten nor more than thirty days after the
116 mailing or service of the notice, for a hearing to show cause why
117 the permittee's permit should not be suspended or revoked. An
118 inspection station owner or an inspector may appear in person or
119 by counsel in the office of the superintendent to show cause why
120 the proposed suspension or revocation is in error, or to present any
121 other facts or testimony that would bear on the final decision of the
122 superintendent. If the permittee or the permittee's agent does not
123 appear on the stated day after receipt of notice, it shall be
124 presumed that the permittee admits the allegations of fact
125 contained in the hearing notification letter. The decision of the
126 superintendent may in such case be based upon the written reports
127 submitted by the superintendent's officers. The order of the
128 superintendent, specifying his findings of fact and conclusions of
129 law, shall be considered final immediately after receipt of notice
130 thereof by the permittee.

131 (3) Any person whose permit is suspended or revoked or
132 whose application for a permit is denied may within ten days
133 appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station
2 shall be assigned or transferred or used at any location other than
3 therein designated and every permit shall be posted in a
4 conspicuous place at the location designated. The superintendent
5 of the Missouri state highway patrol shall design and furnish each
6 official inspection station, at no cost, one official sign made of metal
7 or other durable material to be displayed in a conspicuous location
8 to designate the station as an official inspection
9 station. Additional signs may be obtained by an official inspection
10 station for a fee equal to the cost to the state. Each inspection
11 station shall also be supplied with one or more posters which must
12 be displayed in a conspicuous location at the place of inspection
13 and which informs the public that required repairs or corrections
14 need not be made at the inspection station.

15 2. No person operating an official inspection station
16 pursuant to the provisions of sections 307.350 to 307.390 may issue

17 a certificate of inspection and approval for any vehicle except upon
18 an official form furnished by the superintendent of the Missouri
19 state highway patrol for that purpose and only after inspecting the
20 vehicle and determining that its brakes, lighting equipment,
21 signaling devices, steering mechanisms, horns, mirrors, windshield
22 wipers, tires, wheels, exhaust system, glazing, air pollution control
23 devices, fuel system and any other safety equipment as required by
24 the state are in proper condition and adjustment to be operated
25 upon the public highways of this state with safety to the driver or
26 operator, other occupants therein, as well as other persons and
27 property upon the highways, as provided by sections 307.350 to
28 307.390 and the regulations prescribed by the superintendent of
29 the Missouri state highway patrol. Brakes may be inspected for
30 safety by means of visual inspection or computerized brake
31 testing. No person operating an official inspection station shall
32 furnish, loan, give or sell a certificate of inspection and approval to
33 any other person except those entitled to receive it under
34 provisions of sections 307.350 to 307.390. No person shall have in
35 such person's possession any certificate of inspection and approval
36 and/or inspection sticker with knowledge that the certificate and/or
37 inspection sticker has been illegally purchased, stolen or
38 counterfeited.

39 3. The superintendent of the Missouri state highway patrol
40 may require officially designated stations to furnish reports upon
41 forms furnished by the superintendent for that purpose as the
42 superintendent considers reasonably necessary for the proper and
43 efficient administration of sections 307.350 to 307.390.

44 4. If, upon inspection, defects or unsafe conditions are
45 found, the owner may correct them or shall have them corrected at
46 any place the owner chooses within twenty days after the defect or
47 unsafe condition is found, and shall have the right to remove the
48 vehicle to such place for correction, but before the vehicle is
49 operated thereafter upon the public highways of this state, a
50 certificate of inspection and approval must be obtained. The
51 inspecting personnel of the official inspection station must inform
52 the owner that the corrections need not be made at the inspection

53 station.

54 5. A fee, not to exceed twelve dollars, as determined by each
55 official inspection station, may be charged by an official inspection
56 station for each official inspection including the issuance of the
57 certificate of inspection and approval, sticker, seal or other device
58 and a total fee, not to exceed ten dollars, as determined by each
59 official inspection station, may be charged for an official inspection
60 of a trailer or motorcycle, which shall include the issuance of the
61 certificate of inspection and approval, sticker, seal or other
62 device. Such fee shall be conspicuously posted on the premises of
63 each such official inspection station. No owner shall be charged an
64 additional inspection fee upon having corrected defects or unsafe
65 conditions found in an inspection completed within the previous
66 twenty consecutive days, excluding Saturdays, Sundays and
67 holidays, if such follow-up inspection is made by the station making
68 the initial inspection. Every inspection for which a fee is charged
69 shall be a complete inspection, and upon completion of the
70 inspection, if any defects are found the owner of the vehicle shall
71 be furnished a list of the defects and a receipt for the fee paid for
72 the inspection. If the owner of a vehicle decides to have any
73 necessary repairs or corrections made at the official inspection
74 station, the owner shall be furnished a written estimate of the cost
75 of such repairs before such repairs or corrections are made by the
76 official inspection station. The written estimate shall have plainly
77 written upon it that the owner understands that the corrections
78 need not be made by the official inspection station and shall have
79 a signature line for the owner. The owner must sign below the
80 statement on the signature line before any repairs are made.

81 6. Certificates of inspection and approval, sticker, seal or
82 other device shall be purchased by the official inspection stations
83 from the superintendent of the Missouri state highway patrol. The
84 superintendent of the Missouri state highway patrol shall collect
85 a fee of one dollar and fifty cents for each certificate of inspection,
86 sticker, seal or other device issued to the official inspection
87 stations, except that no charge shall be made for certificates of
88 inspection, sticker, seal or other device issued to official inspection

89 stations operated by governmental entities. All fees collected shall
90 be deposited in the state treasury with one dollar of each fee
91 collected credited to the state highway fund and, for the purpose of
92 administering and enforcing the state motor vehicle laws and
93 traffic regulations, fifty cents credited to the "Highway Patrol
94 Inspection Fund" which is hereby created. The moneys collected
95 and deposited in the highway patrol inspection fund shall be
96 expended subject to appropriations by the general assembly for the
97 administration and enforcement of sections 307.350 to 307.390 by
98 the Missouri state highway patrol. The unexpended balance in the
99 fund at the end of each biennium exceeding the amount of the
100 appropriations from the fund for the first two fiscal years shall be
101 transferred to the state road fund, and the provisions of section
102 33.080, RSMo, relating to the transfer of funds to the general
103 revenue fund at the end of the biennium, shall not apply to the
104 fund.

105 7. The owner or operator of any inspection station who
106 discontinues operation during the period that a station permit is
107 valid or whose station permit is suspended or revoked shall return
108 all official signs and posters and any current unused inspection
109 stickers, seals or other devices to the superintendent of the
110 Missouri state highway patrol and shall receive a full refund on
111 request except for official signs and posters, provided the request
112 is made during the calendar year or within sixty days thereafter in
113 the manner prescribed by the superintendent of the Missouri state
114 highway patrol. Stations which have a valid permit shall exchange
115 unused previous year issue inspection stickers and/or decals for an
116 identical number of current year issue, provided the unused
117 stickers and/or decals are submitted for exchange not later than
118 April thirtieth of the current calendar year, in the manner
119 prescribed by the superintendent of the Missouri state highway
120 patrol.]

2 [307.366. 1. This enactment of the emissions inspection
3 program is a mandate of the United States Congress pursuant to
4 the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In
any portion of an area designated by the governor as a

5 nonattainment area, as defined in the federal Clean Air Act, as
6 amended, 42 U.S.C.A. Section 7501, and located within the area
7 described in subsection 1 of section 643.305, RSMo, certain motor
8 vehicles shall be tested and approved prior to sale or transfer and
9 biennially thereafter to determine that the emissions system is
10 functioning within the emission standards as specified by the
11 Missouri air conservation commission and as required to attain the
12 national health standards for air quality. For such biennial
13 testing, any such vehicle manufactured as an even-numbered model
14 year vehicle shall be tested and approved in each even-numbered
15 calendar year and any such vehicle manufactured as an
16 odd-numbered model year vehicle shall be tested and approved in
17 each odd-numbered calendar year. The motor vehicles to be tested
18 shall be all motor vehicles except those specifically exempted
19 pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350
20 and those exempted pursuant to this section.

21 2. The provisions of this section shall not apply to:

22 (1) Motor vehicles with a manufacturer's gross vehicle
23 weight rating in excess of eight thousand five hundred pounds;

24 (2) Motorcycles and motortricycles;

25 (3) Model year vehicles manufactured twenty-six years or
26 more prior to the current model year;

27 (4) School buses;

28 (5) Diesel-powered vehicles;

29 (6) Motor vehicles registered in the area covered by this
30 section but which are based and operated exclusively in an area of
31 this state not subject to the provisions of this section if the owner
32 of such vehicle presents to the director a sworn affidavit that the
33 vehicle will be based and operated outside the covered area;

34 (7) New and unused motor vehicles, of model years of the
35 current calendar year and of any calendar year within two years of
36 such calendar year, which have an odometer reading of less than
37 six thousand miles at the time of original sale by a motor vehicle
38 manufacturer or licensed motor vehicle dealer to the first user; and

39 (8) Motor vehicles owned by a person who resides in a
40 county of the first classification without a charter form of

41 government with a population of less than one hundred thousand
42 inhabitants according to the most recent decennial census who has
43 completed an emission inspection pursuant to section 643.315,
44 RSMo.

45 Each official inspection station which conducts emissions
46 inspections within the area referred to in subsection 1 of this
47 section shall indicate the gross vehicle weight rating of the motor
48 vehicle on the inspection certificate if the vehicle is exempt from
49 the emissions inspection pursuant to subdivision (1) of this
50 subsection.

51 3. (1) At the time of sale, a licensed motor vehicle dealer,
52 as defined in section 301.550, RSMo, may choose to sell a motor
53 vehicle subject to the inspection requirements of this section either:

54 (a) With prior inspection and approval as provided in
55 subdivision (2) of this subsection; or

56 (b) Without prior inspection and approval as provided in
57 subdivision (3) of this subsection.

58 (2) If the dealer chooses to sell the vehicle with prior
59 inspection and approval, the dealer shall disclose, in writing, prior
60 to sale, whether the vehicle obtained approval by meeting the
61 emissions standards established pursuant to this section or by
62 obtaining a waiver pursuant to subsection 6 of this section. A
63 vehicle sold pursuant to this subdivision by a licensed motor
64 vehicle dealer shall be inspected and approved within the one
65 hundred twenty days immediately preceding the date of sale, and,
66 for the purpose of registration of such vehicle, such inspection shall
67 be considered timely.

68 (3) If the dealer chooses to sell the vehicle without prior
69 inspection and approval, the purchaser may return the vehicle
70 within ten days of the date of purchase, provided that the vehicle
71 has no more than one thousand additional miles since the time of
72 sale, if the vehicle fails, upon inspection, to meet the emissions
73 standards specified by the commission and the dealer shall have
74 the vehicle inspected and approved without the option for a waiver
75 of the emissions standard and return the vehicle to the purchaser
76 with a valid emissions certificate and sticker within five working

77 days or the purchaser and dealer may enter into any other
78 mutually acceptable agreement. If the dealer chooses to sell the
79 vehicle without prior inspection and approval, the dealer shall
80 disclose conspicuously on the sales contract and bill of sale that the
81 purchaser has the option to return the vehicle within ten days,
82 provided that the vehicle has no more than one thousand
83 additional miles since the time of sale, to have the dealer repair
84 the vehicle and provide an emissions certificate and sticker within
85 five working days if the vehicle fails, upon inspection, to meet the
86 emissions standards established by the commission, or enter into
87 any mutually acceptable agreement with the dealer. A violation of
88 this subsection shall be an unlawful practice as defined in section
89 407.020, RSMo. No emissions inspection shall be required
90 pursuant to this section for the sale of any motor vehicle which
91 may be sold without a certificate of inspection and approval, as
92 provided pursuant to subsection 2 of section 307.380.

93 4. A fee not to exceed twenty-four dollars may be charged
94 for an automobile emissions and air pollution control inspection in
95 order to attain the national health standards for air quality. Such
96 fee shall be conspicuously posted on the premises of each such
97 inspection station. The official emissions inspection station shall
98 issue a certificate of inspection and an approval sticker or seal
99 certifying the emissions system is functioning properly. The
100 certificate or approval issued shall bear the legend: "This cost is
101 mandated by your United States Congress.". No owner shall be
102 charged an additional fee after having corrected defects or unsafe
103 conditions in the automobile's emissions and air pollution control
104 system if the reinspection is completed within twenty consecutive
105 days, excluding Saturdays, Sundays and holidays, and if such
106 follow-up inspection is made by the station making the initial
107 inspection.

108 5. The air conservation commission shall establish, by rule,
109 a waiver amount which may be lower for older model vehicles and
110 which shall be no greater than seventy-five dollars for model year
111 vehicles prior to 1981 and no greater than two hundred dollars for
112 model year vehicles of 1981 and all subsequent model years.

113 6. An owner whose vehicle fails upon reinspection to meet
114 the emission standards specified by the Missouri air conservation
115 commission shall be issued a certificate of inspection and an
116 approval sticker or seal by the official emissions inspection station
117 that provided the inspection if the vehicle owner furnishes a
118 complete, signed affidavit satisfying the requirements of this
119 subsection and the cost of emissions repairs and adjustments is
120 equal to or greater than the waiver amount established by the air
121 conservation commission pursuant to this section. The air
122 conservation commission shall establish, by rule, a form and a
123 procedure for verifying that repair and adjustment was performed
124 on a failing vehicle prior to the granting of a waiver and
125 approval. The waiver form established pursuant to this subsection
126 shall be an affidavit requiring:

127 (1) A statement signed by the repairer that the specified
128 work was done and stating the itemized charges for the work; and

129 (2) A statement signed by the inspector that an inspection
130 of the vehicle verified, to the extent practical, that the specified
131 work was done.

132 7. The department of revenue shall require evidence of the
133 inspection and approval required by this section in issuing the
134 motor vehicle annual registration in conformity with the procedure
135 required by sections 307.350 to 307.370.

136 8. Each emissions inspection station located in the area
137 described in subsection 1 of this section shall purchase from the
138 highway patrol sufficient forms and stickers or other devices to
139 evidence approval of the motor vehicle's emissions control system.
140 In addition, emissions inspection stations may be required to
141 purchase forms for use in automated analyzers from outside
142 vendors of the inspection station's choice. The forms must comply
143 with state regulations.

144 9. In addition to the fee collected by the superintendent
145 pursuant to subsection 5 of section 307.365, the highway patrol
146 shall collect a fee of seventy-five cents for each automobile
147 emissions certificate issued to the applicable official emissions
148 inspection stations, except that no charge shall be made for

149 certificates of inspection issued to official emissions inspection
150 stations operated by governmental entities. All fees collected by
151 the superintendent pursuant to this section shall be deposited in
152 the state treasury to the credit of the "Missouri Air Pollution
153 Control Fund", which is hereby created.

154 10. The moneys collected and deposited in the Missouri air
155 pollution control fund pursuant to this section shall be allocated on
156 an equal basis to the Missouri state highway patrol and the
157 Missouri department of natural resources, air pollution control
158 program, and shall be expended subject to appropriation by the
159 general assembly for the administration and enforcement of
160 sections 307.350 to 307.390. The unexpended balance in the fund
161 at the end of each appropriation period shall not be transferred to
162 the general revenue fund, except as directed by the general
163 assembly by appropriation, and the provisions of section 33.080,
164 RSMo, relating to the transfer of funds to the general revenue fund
165 at the end of the biennium, shall not apply to this fund. The
166 moneys in the fund shall be invested by the treasurer as provided
167 by law, and the interest shall be credited to the fund.

168 11. The superintendent of the Missouri state highway
169 patrol shall issue such rules and regulations as are necessary to
170 determine whether a motor vehicle's emissions control system is
171 operating as required by subsection 1 of this section, and the
172 superintendent and the state highways and transportation
173 commission shall use their best efforts to seek federal funds from
174 which reimbursement grants may be made to those official
175 inspection stations which acquire and use the necessary testing
176 equipment which will be required to perform the tests required by
177 the provisions of this section.

178 12. The provisions of this section shall not apply in any
179 county for any time period during which the air conservation
180 commission has established a motor vehicle emissions inspection
181 program pursuant to sections 643.300 to 643.355, RSMo, for such
182 county, except where motor vehicle owners have the option of
183 biennial testing pursuant to chapter 643, RSMo. In counties where
184 such option is available, the emissions inspection may be conducted

185 in stations conducting only an emissions inspection under contract
186 to the state.

187 13. Notwithstanding the provisions of section 307.390,
188 violation of this section shall be deemed a class C misdemeanor.]

2 [307.370. 1. No person shall represent in any manner any
3 place as an official inspection station unless the station is operated
4 under a valid permit issued by the superintendent of the Missouri
5 state highway patrol.

6 2. No person unless then holding a valid permit shall issue
7 a certificate of inspection and approval, sticker, seal or other
8 device.

9 3. No person shall make, issue or knowingly use any
10 imitation or counterfeit of an official certificate of inspection,
11 sticker, seal or other device.

12 4. No person shall display or cause or permit to be
13 displayed upon any vehicle any certificate of inspection and
14 approval, sticker, seal or other device knowing the same to be
15 fictitious or issued for another vehicle or issued without an
inspection having been made.]

2 [307.380. 1. Every vehicle of the type required to be
3 inspected upon having been involved in an accident and when so
4 directed by a police officer must be inspected and an official
5 certificate of inspection and approval, sticker, seal or other device
6 be obtained for such vehicle before it is again operated on the
7 highways of this state. At the seller's expense every vehicle of the
8 type required to be inspected by section 307.350, whether new or
9 used, shall immediately prior to sale be fully inspected regardless
10 of any current certificate of inspection and approval, and an
11 appropriate new certificate of inspection and approval, sticker, seal
12 or other device shall be obtained.

13 2. Nothing contained in the provisions of this section shall
14 be construed to prohibit a dealer or any other person from selling
15 a vehicle without a certificate of inspection and approval if the
16 vehicle is sold for junk, salvage, or for rebuilding, or for vehicles
17 sold at public auction or from dealer to dealer. The purchaser of
any vehicle which is purchased for junk, salvage, or for rebuilding,

18 shall give to the seller an affidavit, on a form prescribed by the
19 superintendent of the Missouri state highway patrol, stating that
20 the vehicle is being purchased for one of the reasons stated
21 herein. No vehicle of the type required to be inspected by section
22 307.350 which is purchased as junk, salvage, or for rebuilding shall
23 again be registered in this state until the owner has submitted the
24 vehicle for inspection and obtained an official certificate of
25 inspection and approval, sticker, seal or other device for such
26 vehicle.

27 3. Notwithstanding the provisions of section 307.390,
28 violation of this section shall be deemed an infraction.]

[307.385. The superintendent of the Missouri state highway
2 patrol may notify the director of revenue and the director of
3 revenue shall suspend the registration of any vehicle which the
4 superintendent of the Missouri state highway patrol determines,
5 after a written notice, is not equipped as required by law or for
6 which a certificate required by sections 307.350 to 307.390 has not
7 been obtained.]

[643.360. This act shall not take effect until a cause of
2 action is filed by the attorney general on behalf of the state of
3 Missouri and other appropriate parties in a federal court of
4 appropriate jurisdiction requesting injunctive relief and to test the
5 constitutionality and legality of sanctions threatened by the
6 Environmental Protection Agency pursuant to the federal Clean Air
7 Act, as amended, 42 U.S.C. 7401, et seq., and shall not take effect
8 so long as a temporary restraining order or injunction relating to
9 such sanctions shall be in effect. Such action may allege, among
10 others, that the standards which determine that the St. Louis
11 metropolitan statistical area is a nonattainment area are
12 unreasonable in relation to the sanctions sought to be imposed by
13 the Environmental Protection Agency by virtue of the following:

14 (1) That there is not sufficient substantial evidence to
15 demonstrate a rational relationship between the ambient air
16 conditions in the St. Louis metropolitan statistical area and the
17 penalties sought to be imposed by the Environmental Protection
18 Agency;

19 (2) That the standards which determine that the St. Louis
20 metropolitan statistical area is a nonattainment area and the
21 penalties threatened by the Environmental Protection Agency are
22 arbitrary and lack a rational relationship to the overall purpose of
23 the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. in
24 that;

25 (a) That at only one of the seventeen monitoring sites in the
26 St. Louis metropolitan statistical area have there been more than
27 the allowed number of exceedances during the past three years;
28 and

29 (b) That for the exceedances at that single monitoring site,
30 there exist purely local causes which do not reflect nor bear a true
31 relationship to the ambient air quality of the St. Louis
32 metropolitan statistical area; and

33 (3) That the penalties available to be imposed by the
34 Environmental Protection Agency are unreasonable and arbitrary
35 and bear no rational relationship to the ambient air quality of the
36 St. Louis metropolitan statistical area in that:

37 (a) At the single exceeding monitoring site there exist
38 purely local causes for the exceedances which do not bear a true
39 relationship nor reflect the actual ambient air quality of the St.
40 Louis metropolitan statistical area;

41 (b) That the state of Missouri should be given a reasonable
42 time to correct the exceedances at the single exceeding site and the
43 penalties should not be assessed nor accrue prior to such time;

44 (c) That it is unreasonable to impose on the state of
45 Missouri the obligation to expend an estimated one hundred
46 twenty-five million dollars to reach attainment based upon the
47 single exceeding site and the existing local causes for the
48 exceedances where those do not reflect nor bear a true relationship
49 to the ambient air quality of the St. Louis metropolitan statistical
50 area;

51 (d) That the fifteen percent reduction in volatile organic
52 compound requirement in the federal Clean Air Act bears no
53 relationship to the actual ambient air quality of the St. Louis
54 metropolitan statistical area because the reduction is mandated by

55 the Environmental Protection Agency whether or not the St. Louis
56 metropolitan statistical area reaches attainment status.]

Section B. The repeal of sections 307.366 and 643.360 and the repeal and
2 reenactment of sections 33.080, 301.190, 301.800, 643.305, 643.310, 643.315,
3 643.320, 643.330, 643.335, and 643.350 shall become effective September 1, 2007.

Section C. The repeal of sections 307.350, 307.353, 307.355, 307.360,
2 307.365, 307.370, 307.375, 307.380, and 307.385, and the repeal and reenactment
3 of sections 307.375 and 307.390 shall become effective January 1, 2007.

Unofficial ✓

Bill

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